



General Assembly

Bill No. 30

February Session, 2008

LCO No. 595

00595_____

Referred to Committee on General Law

Introduced by:

SEN. MCKINNEY, 28th Dist.

REP. CAFERO, 142nd Dist.

AN ACT CONCERNING CONSUMER PRIVACY AND IDENTITY THEFT.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 53a-129a of the general statutes is repealed and
2 the following is substituted in lieu thereof (*Effective October 1, 2008*):

3 (a) A person commits identity theft when such person [intentionally
4 obtains personal identifying information of another person without the
5 authorization of such other person and] knowingly uses [that] personal
6 identifying information of another person to obtain or attempt to
7 obtain, money, credit, goods, services, property or medical information
8 in the name of such other person without the consent of such other
9 person.

10 (b) As used in this section, "personal identifying information" means
11 any name, number or other information that may be used, alone or in
12 conjunction with any other information, to identify a specific
13 individual including, but not limited to, such individual's name, date
14 of birth, mother's maiden name, motor vehicle operator's license

15 number, Social Security number, employee identification number,
16 employer or taxpayer identification number, alien registration number,
17 government passport number, health insurance identification number,
18 demand deposit account number, savings account number, credit card
19 number, debit card number or unique biometric data such as
20 fingerprint, voice print, retina or iris image, or other unique physical
21 representation.

22 Sec. 2. Section 53a-130 of the general statutes is repealed and the
23 following is substituted in lieu thereof (*Effective October 1, 2008*):

24 (a) A person is guilty of criminal impersonation when [he] such
25 person: (1) Impersonates another and does an act in such assumed
26 character with intent to obtain a benefit or to injure or defraud another;
27 or (2) pretends to be a representative of some person or organization
28 and does an act in such pretended capacity with intent to obtain a
29 benefit or to injure or defraud another; or (3) pretends to be a public
30 servant other than a sworn member of an organized local police
31 department or the Division of State Police within the Department of
32 Public Safety, or wears or displays without authority any uniform,
33 badge or shield by which such public servant is lawfully
34 distinguished, with intent to induce another to submit to such
35 pretended official authority or otherwise to act in reliance upon that
36 pretense.

37 (b) Criminal impersonation is a class [B misdemeanor] A felony.

38 Sec. 3. (NEW) (*Effective October 1, 2008*) (a) A person is guilty of
39 unlawful possession of personal information access devices when such
40 person possesses access devices, document-making equipment and
41 authentication implements for the purpose of obtaining, tampering
42 with or using the personal identifying information, as defined in
43 section 53a-129a of the general statutes, of another person.

44 (b) For the purposes of this section, "access devices" includes any
45 card, plate, code, account number, mobile identification number,

46 personal identification number, telecommunication service access
47 equipment, card-reading device, scanning device, reencoder or other
48 means that could be used to access financial resources or obtain
49 financial information, personal identifying information or benefits of
50 another person.

51 (c) Unlawful possession of access devices is a class A misdemeanor.

52 Sec. 4. (NEW) (*Effective October 1, 2008*) (a) Any license, registration
53 or certificate issued by the state or any political subdivision of the state
54 that was based upon an application containing any material false
55 statement is void from the date of issuance and shall be surrendered,
56 on demand, to the issuing authority. Any moneys paid for such
57 license, registration or certificate shall be forfeited to the issuing
58 authority.

59 (b) No person shall obtain or attempt to obtain any license,
60 registration or certificate for another person by misrepresentation or
61 impersonation, and any license, registration or certificate obtained by
62 misrepresentation or impersonation is void from the date of issuance
63 and shall be surrendered, on demand, to the issuing authority. Any
64 moneys paid for such license, registration or certificate shall be
65 forfeited to the issuing authority.

66 (c) Any person who violates any provision of this section shall be
67 guilty of a class A misdemeanor.

68 Sec. 5. Section 52-571h of the general statutes is repealed and the
69 following is substituted in lieu thereof (*Effective October 1, 2008*):

70 (a) Any person aggrieved by an act constituting a violation of
71 section 53a-129a of the general statutes, revision of 1958, revised to
72 January 1, 2003, or section 53a-129b, 53a-129c, [or] 53a-129d or 53a-129e
73 may bring a civil action in the Superior Court for damages against the
74 person who committed the violation.

75 (b) In any civil action brought under this section in which the

76 plaintiff prevails, the court shall award the greater of one thousand
77 dollars or treble damages, together with costs and a reasonable
78 attorney's fee. Damages shall include, but not be limited to,
79 documented lost wages and any financial loss suffered by the plaintiff
80 as a result of identity theft, as defined in section 53a-129a. The court
81 shall issue an order that the person found guilty of identity theft shall
82 pay restitution to the prevailing party.

83 (c) No action under this section shall be brought but within [two]
84 three years from the date when the violation is discovered or in the
85 exercise of reasonable care should have been discovered.

86 Sec. 6. Section 54-93a of the general statutes is repealed and the
87 following is substituted in lieu thereof (*Effective October 1, 2008*):

88 Whenever a person is convicted of a violation of section 53a-129a of
89 the general statutes, revision of 1958, revised to January 1, 2003, or
90 section 53a-129b, 53a-129c, [or] 53a-129d [,] or 53a-129e the court [may]
91 shall issue such orders as are necessary to correct a public record that
92 contains false information as a result of such violation.

93 Sec. 7. Subsection (e) of section 54-1d of the general statutes is
94 repealed and the following is substituted in lieu thereof (*Effective*
95 *October 1, 2008*):

96 (e) Any defendant who is charged with a violation of section 53a-
97 129a of the general statutes, revision of 1958, revised to January 1, 2003,
98 or section 53a-129b, 53a-129c, [or] 53a-129d or 53a-129e and any
99 defendant who is charged with any other offense committed as a result
100 of such violation may be presented to the court in the geographical
101 area in which the person whose personal identifying information has
102 been obtained and used by the defendant resides and may be
103 prosecuted in that judicial district or geographical area.

104 Sec. 8. (NEW) (*Effective October 1, 2008*) (a) Notwithstanding any
105 other provision of law, no business entity or nonprofit group shall

106 request or require, as a condition of obtaining any goods, services or
107 retailer discount cards, that an individual provide a Social Security
108 number.

109 (b) An employer may maintain a list of employees' Social Security
110 numbers, provided such numbers may not be disclosed in any way,
111 except as required by law, without the written consent of the
112 employee.

113 (c) Notwithstanding any other provision of law, no business entity
114 or nonprofit group may sell or share an individual's personal
115 identifying information, as defined in section 53a-129a of the general
116 statutes, as amended by this act, with any third party without
117 obtaining the consent of the individual whose information is to be
118 shared.

119 (d) This section shall not be construed to prohibit a discount card
120 issuer from requesting a Social Security number for a retailer discount
121 card that can also be used as identification for check cashing purposes
122 or to debit the checking or savings account of the cardholder, provided
123 no discount card issuer may, as a condition of obtaining a retailer
124 discount card, require a cardholder to obtain a retailer discount card
125 that can also be used as identification for check cashing purposes or to
126 debit the checking or savings account of the cardholder.

127 (e) Nothing in this section shall be construed to prohibit a business
128 entity or nonprofit group from providing an individual's name and
129 address to a third party for purposes of mailing information to the
130 individual on behalf of the business entity or nonprofit group. Prior to
131 sharing an individual's name and address, the business entity or
132 nonprofit group shall obtain a written confidentiality agreement from
133 the third party that the third party will not sell or share the
134 information with any other entity. Such third party shall not use the
135 information for any other purpose.

136 (f) Any employer, business entity or nonprofit group in possession

137 of personal identifying information shall safeguard the data, computer
138 files and documents containing the data from misuse by third parties,
139 and any document, computer file or database containing personal
140 identifying information shall be destroyed or erased prior to disposal.

141 (g) Any employer, business entity or nonprofit group that collects
142 Social Security numbers in the course of business shall create a privacy
143 protection policy which shall be published in any employee handbook
144 used by such employer, business entity or nonprofit group or
145 displayed in an accessible and prominent location controlled by such
146 employer, business entity or nonprofit group. Such policy shall: (1)
147 Ensure confidentiality of personal identifying information, (2) prohibit
148 unlawful disclosure of personal identifying information, (3) limit
149 access to personal identifying information, (4) provide for proper
150 disposal of documents containing personal identifying information,
151 and (5) establish penalties for violation of the policy.

152 (h) Any waiver of the provisions of this section shall be contrary to
153 public policy and shall be void and unenforceable.

154 (i) A violation of this section shall constitute an unfair or deceptive
155 trade practice pursuant to section 42-110b of the general statutes.

156 (j) The Commissioner of Consumer Protection may adopt
157 regulations, in accordance with the provisions of chapter 54 of the
158 general statutes, to carry out the provisions of this section.

159 Sec. 9. (NEW) (*Effective October 1, 2008*) (a) Any license, registration
160 or certificate issued by the state, or any political subdivision of the
161 state, that is physically altered to conceal or misrepresent a material
162 fact is void from the date of such alteration and shall be surrendered,
163 on demand, to the issuing authority. Any moneys paid for such
164 license, registration or certificate shall be forfeited to the issuing
165 authority.

166 (b) No person shall alter any license, registration or certificate issued

167 by the state, or any political subdivision of the state, and any license,
168 registration or certificate so altered shall be void from the date of
169 alteration and shall be surrendered, on demand, to the issuing
170 authority. Any moneys paid for such license, registration or certificate
171 shall be forfeited to the issuing authority.

172 (c) Any person who violates any provision of this section shall be
173 guilty of a class A misdemeanor.

174 Sec. 10. Section 54-36h of the general statutes is repealed and the
175 following is substituted in lieu thereof (*Effective October 1, 2008*):

176 (a) The following property shall be subject to forfeiture to the state
177 pursuant to subsection (b) of this section:

178 (1) All moneys used, or intended for use, in the procurement,
179 manufacture, compounding, processing, delivery or distribution of any
180 controlled substance, as defined in subdivision (9) of section 21a-240;

181 (2) All property constituting the proceeds obtained, directly or
182 indirectly, from any sale or exchange of any such controlled substance
183 in violation of section 21a-277 or 21a-278 of the 2008 supplement to the
184 general statutes;

185 (3) All property derived from the proceeds obtained, directly or
186 indirectly, from any sale or exchange for pecuniary gain of any such
187 controlled substance in violation of section 21a-277 or 21a-278 of the
188 2008 supplement to the general statutes;

189 (4) All property used or intended for use, in any manner or part, to
190 commit or facilitate the commission of a violation for pecuniary gain of
191 section 21a-277 or 21a-278 of the 2008 supplement to the general
192 statutes;

193 (5) All property constituting, or derived from, the proceeds
194 obtained, directly or indirectly, by a corporation as a result of a
195 violation of section 53a-276, 53a-277 or 53a-278;

196 (6) All property constituting, or derived from, the proceeds
197 obtained, directly or indirectly, by a person as a result of a violation of
198 section 53a-129b, 53a-129c, 53a-129d, 53a-129e or 53a-129f.

199 (b) Not later than ninety days after the seizure of moneys or
200 property subject to forfeiture pursuant to subsection (a) of this section,
201 in connection with a lawful criminal arrest or a lawful search, the Chief
202 State's Attorney or a deputy chief state's attorney, state's attorney or
203 assistant or deputy assistant state's attorney may petition the court in
204 the nature of a proceeding in rem to order forfeiture of said moneys or
205 property. Such proceeding shall be deemed a civil suit in equity, in
206 which the state shall have the burden of proving all material facts by
207 clear and convincing evidence. The court shall identify the owner of
208 said moneys or property and any other person as appears to have an
209 interest therein, and order the state to give notice to such owner and
210 any interested person by certified or registered mail, and shall
211 promptly, but not less than two weeks after notice, hold a hearing on
212 the petition. No testimony offered or evidence produced by such
213 owner or interested person at such hearing and no evidence
214 discovered as a result of or otherwise derived from such testimony or
215 evidence, may be used against such owner or interested person in any
216 proceeding, except that no such owner or interested person shall be
217 immune from prosecution for perjury or contempt committed while
218 giving such testimony or producing such evidence. At such hearing
219 the court shall hear evidence and make findings of fact and enter
220 conclusions of law and shall issue a final order, from which the parties
221 shall have such right of appeal as from a decree in equity.

222 (c) No property shall be forfeited under this section to the extent of
223 the interest of an owner or lienholder by reason of any act or omission
224 committed by another person if such owner or lienholder did not
225 know and could not have reasonably known that such property was
226 being used or was intended to be used in, or was derived from,
227 criminal activity.

228 (d) Notwithstanding the provisions of subsection (a) of this section,
 229 no moneys or property used or intended to be used by the owner
 230 thereof to pay legitimate attorney's fees in connection with his defense
 231 in a criminal prosecution shall be subject to forfeiture under this
 232 section.

233 (e) Any property ordered forfeited pursuant to subsection (b) of this
 234 section shall be sold at public auction conducted by the Commissioner
 235 of Administrative Services or his designee.

236 (f) The proceeds from any sale of property under subsection (e) of
 237 this section and any moneys forfeited under this section shall be
 238 applied: (1) To payment of the balance due on any lien preserved by
 239 the court in the forfeiture proceedings; (2) to payment of any costs
 240 incurred for the storage, maintenance, security and forfeiture of such
 241 property; and (3) to payment of court costs. The balance, if any, shall
 242 be deposited in the drug assets forfeiture revolving account
 243 established under section 54-36i, except that any balance attributable to
 244 a sale of property in connection with a prosecution for a violation of
 245 section 53a-129a, as amended by this act, or 53a-130, as amended by
 246 this act, or section 3, 4 or 9 of this act, shall be deposited in the
 247 consumer protection enforcement account established under section
 248 21a-8a.

249 Sec. 11. Section 36a-40 of the general statutes is repealed and the
 250 following is substituted in lieu thereof (*Effective from passage*):

251 (a) The commissioner may, by regulation adopted in accordance
 252 with chapter 54, prescribe periods of time for the retention of records
 253 of any Connecticut bank or Connecticut credit union. Records which
 254 have been retained for the period so prescribed may thereafter be
 255 destroyed, and no liability shall thereby accrue against the Connecticut
 256 bank or Connecticut credit union destroying them. In any cause or
 257 proceeding in which any such records may be called in question or be
 258 demanded of any such bank or credit union or any officer or employee
 259 thereof, a showing that the period so prescribed has elapsed shall be

260 sufficient excuse for failure to produce them.

261 (b) Each bank, branch in this state of an out-of-state bank,
262 Connecticut credit union, federal credit union and branch in this state
263 of an out-of-state credit union shall take adequate measures to protect
264 against identity theft when disposing of documents containing
265 personal identifying information such as Social Security numbers and
266 bank account numbers. Such measures shall, at a minimum, include
267 the shredding or other means of permanent destruction of such
268 documents in a secure setting.

269 Sec. 12. (NEW) (*Effective from passage*) As used in sections 12 to 20,
270 inclusive, of this act:

271 (1) "Personal identifying information" means an individual's Social
272 Security number, date of birth or age;

273 (2) "Individual" means a resident of this state; and

274 (3) "Commissioner" means the Commissioner of Consumer
275 Protection.

276 Sec. 13. (NEW) (*Effective from passage*) (a) Except as otherwise
277 provided by law, on and after January 1, 2009, no person or entity
278 may:

279 (1) Intentionally communicate or otherwise make an individual's
280 personal identifying information available to the general public or
281 make such information available in return for a fee;

282 (2) Print an individual's personal identifying information on any
283 card required for the individual to receive products or services
284 provided by the person or entity;

285 (3) Require the transmission of an individual's personal identifying
286 information over the Internet unless the connection is secure or the
287 personal identifying information is encrypted;

288 (4) Require the use of an individual's personal identifying
289 information to access an Internet web site, unless a password or
290 unique personal identification number or other authentication device
291 is also required to access the site;

292 (5) Print a number that the person or entity knows to be an
293 individual's personal identifying information on any materials that are
294 mailed to the individual, unless state or federal law requires the
295 personal identifying information to be on the document to be mailed,
296 except that this section shall not prohibit the mailing of documents that
297 include personal identifying information sent as part of an application
298 or enrollment process or to establish, amend or terminate an account,
299 contract or policy or to confirm the accuracy of the personal
300 identifying information. In a transaction involving or otherwise
301 relating to an individual, if a person or entity receives a number from a
302 third party, this section shall not impose any duty on such person or
303 entity to inquire or otherwise determine if the number is or includes
304 any of such individual's personal identifying information. Such person
305 or entity may print such number on materials that are mailed to the
306 individual unless the person or entity that received the number has
307 actual knowledge that the number is or includes the individual's
308 personal identifying information. This section shall not prohibit the
309 mailing to the individual of any copy or reproduction of a document
310 that includes personal identifying information if the personal
311 identifying information was included on the original document before
312 January 1, 2009; or

313 (6) Mail any document which allows personal identifying
314 information to be visible without opening the envelope.

315 (b) Notwithstanding subsection (a) of this section, a person or entity
316 that, before January 1, 2009, used an individual's personal identifying
317 information in a manner inconsistent with said subsection (a) may
318 continue using such individual's personal identifying information in
319 such manner on and after January 1, 2009, subject to the following

320 conditions:

321 (1) The use of the personal identifying information shall be
322 continuous. If the use is stopped for any reason, subsection (a) of this
323 section shall apply;

324 (2) After January 1, 2009, the person or entity shall provide the
325 individual with an annual written disclosure of the individual's right
326 to stop the use of the personal identifying information in a manner
327 prohibited by subsection (a) of this section;

328 (3) If the individual requests, in writing or by electronic means
329 established by the person or entity, such person or entity shall cease
330 using the personal identifying information in a manner prohibited by
331 subsection (a) of this section not later than thirty days after receiving
332 the request. No fee may be charged for implementing such request and
333 the person or entity shall not deny services to the individual because of
334 the request; and

335 (4) A person or entity shall be subject to a civil penalty of not more
336 than five hundred dollars for each act that violates this subsection.
337 Such penalty shall be deposited into the privacy protection guaranty
338 and enforcement account, pursuant to section 18 of this act.

339 (c) This section shall not prohibit the collection, use or release of
340 personal identifying information as required by the laws of this state
341 or the United States.

342 (d) On and after January 1, 2010, this state or any political
343 subdivision of this state may not use an individual's personal
344 identifying information, other than such individual's date of birth, on
345 forms of identification issued by the state or any of its political
346 subdivisions.

347 (e) This section shall not prohibit an agency of this state or a
348 political subdivision of this state from disseminating or using the last
349 four numbers constituting an individual's Social Security number.

350 (f) No agency of this state or any political subdivision of this state
351 may transmit to an individual any material that contains both a piece
352 of the individual's Social Security number and a bank, savings and
353 loan association or credit union account number, except that this
354 subsection shall not prohibit the transmitting of documents that
355 include Social Security and bank, savings and loan association or credit
356 union account numbers as a part of an application or enrollment
357 process or to establish, amend or terminate an account, contract or
358 policy or to confirm the accuracy of the Social Security, bank, savings
359 and loan association or credit union account number.

360 (g) Except as otherwise provided by law, documents or records that
361 are recorded with the state or any political subdivision of the state and
362 made available on the recording entity's public web site after the
363 effective date of this section shall not contain more than five numbers
364 that are reasonably identifiable as being part of an individual's Social
365 Security number and shall not contain an individual's: (1) Credit card,
366 charge card or debit card numbers; (2) retirement account numbers; (3)
367 savings, checking or securities entitlement account numbers; or (4)
368 date of birth or age of the individual.

369 (h) No agency of the state or any of its political subdivisions shall be
370 subject to civil liability for any action relating to information recorded
371 pursuant to subsection (g) of this section.

372 (i) A person or entity shall be subject to a civil penalty of not more
373 than five hundred dollars for each act of recording that violates
374 subsection (g) of this section. Such penalty shall not apply to a person
375 or entity that transmits the document for recording but has no
376 authority for the creation of the document.

377 (j) The Attorney General, at the request of the Commissioner of
378 Consumer Protection, may apply to the Superior Court for an order
379 temporarily or permanently restraining and enjoining any person or
380 entity from violating any provision of this section.

381 Sec. 14. (NEW) (*Effective from passage*) Sections 12 to 20, inclusive, of
382 this act shall not apply to:

383 (1) The use of personal identifying information by the Department
384 of Revenue Services or by a law enforcement agency of this state or a
385 law enforcement agency of a municipality or other political
386 subdivision of this state, except that these agencies shall comply with
387 the provisions of subdivisions (2), (5) and (6) of subsection (a) of
388 section 13 of this act;

389 (2) The use of personal identifying information by an agency or
390 political subdivision of this state in its administration of employee
391 payroll, employee benefits and workers' compensation matters, except
392 that the agency shall comply with subdivisions (1), (2), (4), (5) and (6)
393 of subsection (a) of section 13 of this act;

394 (3) Documents or records that are required to be recorded pursuant
395 to the laws of this state or by court rule or order, including, but not
396 limited to, certificates for births, weddings or deaths;

397 (4) An individual's personal identifying information that is printed
398 or caused to be printed on a document or form of identification by the
399 individual or said individual's legal guardian;

400 (5) The use of personal identifying information by the administrator,
401 as defined in subsection (c) of section 31-222 of the general statutes, or
402 any person deemed to be a party, pursuant to chapter 567 of the
403 general statutes, on documents or records related to an unemployment
404 compensation claim, except that the administrator or any person
405 deemed to be a party shall comply with subdivisions (1) to (4),
406 inclusive, and (6) of subsection (a) of section 13 of this act;

407 (6) The use of personal identifying information by the Workers'
408 Compensation Commission, established under section 31-276 of the
409 2008 supplement to the general statutes, or an intervenor or party, as
410 defined in section 4-166 of the general statutes, on documents or

411 records related to a workers' compensation claim, except that the
412 Workers' Compensation Commission or the intervenor or party shall
413 comply with subdivisions (1) to (4), inclusive, and (6) of subsection (a)
414 of section 13 of this act; and

415 (7) The use of personal identifying information, if the person whose
416 information is being used, or, if the person is a minor, such person's
417 parent or legal guardian, has given permission for its use.

418 Sec. 15. (NEW) (*Effective from passage*) (a) A person or entity that
419 knowingly or intentionally violates any provision of sections 12 to 20,
420 inclusive, of this act, shall be subject to a civil penalty of one hundred
421 dollars for each violation.

422 (b) All civil penalties received pursuant to this section shall be
423 deposited in the privacy protection guaranty and enforcement account,
424 pursuant to section 18 of this act.

425 (c) Violations of sections 12 to 20, inclusive, of this act shall be
426 deemed an unfair or deceptive trade practice, as defined in chapter
427 735a of the general statutes.

428 Sec. 16. (NEW) (*Effective from passage*) (a) The commissioner may
429 conduct investigations and hold hearings on any matter under the
430 provisions of sections 12 to 20, inclusive, of this act. The commissioner
431 may issue subpoenas, administer oaths, compel testimony and order
432 the production of books, records and documents. If any person refuses
433 to appear, to testify or to produce any book, record, paper or document
434 when so ordered, upon application of the commissioner, the Superior
435 Court may make such order, as may be appropriate, to aid in the
436 enforcement of this section.

437 (b) The Attorney General, at the request of the commissioner, may
438 apply to the Superior Court for an order temporarily or permanently
439 restraining and enjoining any person from violating any provision of
440 sections 12 to 20, inclusive, of this act.

441 Sec. 17. (NEW) (*Effective from passage*) (a) There is established a
442 "privacy protection guaranty and enforcement account" which shall be
443 a nonlapsing account within the General Fund. The account may
444 contain any moneys required by law to be deposited in the account.
445 Any balance remaining in the account at the end of any fiscal year shall
446 be carried forward in the account for the fiscal year next succeeding.
447 The account shall be used by the Commissioner of Consumer
448 Protection (1) for the reimbursement of losses sustained by individuals
449 injured by a violation of the provisions of sections 12 to 20, inclusive,
450 of this act related to the release, posting or distribution of personal
451 identifying information, as defined in section 1 of this act, and (2) for
452 the enforcement of sections 12 to 20, inclusive, of this act.

453 (b) Payments received pursuant to sections 12 to 20, inclusive, of
454 this act shall be credited to the privacy protection guaranty and
455 enforcement account until the balance in said account equals seven
456 hundred fifty thousand dollars. Quarterly, if said account has an
457 excess, such excess amount shall be deposited into the General Fund.
458 Any money in the privacy protection guaranty and enforcement
459 account may be invested or reinvested and any interest arising from
460 such investments shall be credited to the account.

461 (c) If, at any time, the money deposited in the privacy protection
462 guaranty and enforcement account is insufficient to satisfy any duly
463 authorized claim or portion thereof, the commissioner shall, when
464 sufficient money has been deposited in the account, satisfy such
465 unpaid claims or portions thereof, in the order that such claims or
466 portions thereof were originally filed.

467 (d) Whenever an individual obtains a court judgment against any
468 person or entity for a violation of sections 12 to 20, inclusive, of this act,
469 such individual may, upon the final determination of, or expiration of
470 time for, appeal in connection with any such judgment, and apply to
471 the commissioner for an order directing payment out of said privacy
472 protection guaranty and enforcement account of the amount unpaid

473 upon the judgment for actual damages and costs taxed by the court
474 against the person or entity, exclusive of punitive damages. The
475 application shall be made on forms provided by the commissioner and
476 shall be accompanied by a certified copy of the court judgment
477 obtained against the person or entity, together with a notarized
478 affidavit, signed and sworn to by the individual, affirming that the
479 individual: (1) Has complied with all the requirements of this
480 subsection; (2) has obtained a judgment stating the amount thereof and
481 the amount owing thereon at the date of application; and (3) has
482 caused to be issued a writ of execution upon said judgment, and the
483 officer executing the same has made a return showing that no bank
484 accounts or real property of the person or entity liable to be levied
485 upon in satisfaction of the judgment could be found, or that the
486 amount realized on the sale of them or of such of them as were found,
487 under the execution, was insufficient to satisfy the actual damage
488 portion of the judgment or stating the amount realized and the balance
489 remaining due on the judgment after application thereon of the
490 amount realized, except that the requirements of this subdivision shall
491 not apply to a judgment obtained by the individual in small claims
492 court. A true and attested copy of said executing officer's return, when
493 required, shall be attached to such application and affidavit. No
494 application for an order directing payment out of the account shall be
495 made later than three years from the final determination of, or
496 expiration time for, appeal of said court judgment.

497 (e) Upon receipt of said application together with said certified copy
498 of the court judgment, notarized affidavit and true and attested copy
499 of the executing officer's return, the commissioner or the
500 commissioner's designee shall inspect such documents for their
501 veracity and upon a determination that such documents are complete
502 and authentic, and a determination that the individual has not been
503 paid, the commissioner shall order payment out of the account of the
504 amount unpaid upon the judgment for actual damages and costs taxed
505 by the court against the person or entity, exclusive of punitive
506 damages.

507 (f) Whenever an individual is awarded an order of restitution
508 against any person or entity for loss or damages sustained by reason of
509 a violation of this chapter, in a proceeding brought by the
510 commissioner pursuant to sections 12 to 20, inclusive, of this act, or in
511 a proceeding brought by the Attorney General, such individual may,
512 upon the final determination of, or expiration of time for, appeal in
513 connection with any such order of restitution, apply to the
514 commissioner for an order directing payment out of the account of the
515 amount unpaid upon the order of restitution. The commissioner may
516 issue said order upon a determination that the individual has not been
517 paid.

518 (g) Before the commissioner shall issue any order directing payment
519 out of the account to an individual pursuant to subsection (e) or (f) of
520 this section, the commissioner shall first notify the person or entity of
521 the individual's application for an order directing payment out of the
522 account and of the person or entity's right to a hearing to contest the
523 disbursement in the event that the person or entity has already paid
524 the individual. Such notice shall be given to the person or entity within
525 fifteen days of the receipt by the commissioner of the individual's
526 application for an order directing payment out of the guaranty
527 account. If the person or entity requests a hearing in writing by
528 certified mail within fifteen days of receipt of the notice from the
529 commissioner, the commissioner shall grant such request and shall
530 conduct a hearing in accordance with the provisions of chapter 54 of
531 the general statutes. If the commissioner receives no written request by
532 certified mail from the person or entity for a hearing within fifteen
533 days of the person's or entity's receipt of such notice, the commissioner
534 shall determine that the individual has not been paid, and the
535 commissioner shall issue an order directing payment out of the
536 account for the amount unpaid upon the judgment for actual damages
537 and costs taxed by the court against the person or entity, exclusive of
538 punitive damages, or for the amount unpaid upon the order of
539 restitution.

540 (h) The commissioner or the commissioner's designee may proceed
541 against any person or entity for an order of restitution arising from loss
542 or damages sustained by any individual by reason of such person's or
543 entity's violation of any of the provisions of this section. Any such
544 proceeding shall be held in accordance with the provisions of chapter
545 54 of the general statutes. In the course of such proceeding, the
546 commissioner or the commissioner's designee shall decide whether to
547 order restitution arising from said loss or damages, and whether to
548 order payment out of the guaranty account. Notwithstanding the
549 provisions of chapter 54 of the general statutes, the decision of the
550 commissioner or the commissioner's designee shall be final with
551 respect to any proceeding to order payment out of the guaranty
552 account and the commissioner and the commissioner's designee are
553 exempted from the requirements of chapter 54 of the general statutes
554 as they relate to appeal from any such decision. The commissioner or
555 the commissioner's designee may hear complaints of all individuals
556 submitting claims against a single person or entity in one proceeding.

557 (i) No application for an order directing payment out of the account
558 shall be made later than three years from the final determination of, or
559 expiration of time for, appeal in connection with any judgment or
560 order of restitution.

561 (j) Whenever the individual satisfies the commissioner or the
562 commissioner's designee that it is not practicable to comply with the
563 requirements of subdivision (3) of subsection (d) of this section and
564 that the individual has taken all reasonable steps to collect the amount
565 of the judgment or the unsatisfied part thereof and has been unable to
566 collect the same, the commissioner or the commissioner's designee
567 may, in the commissioner's or the commissioner's designee discretion,
568 dispense with the necessity for complying with such requirement.

569 (k) In order to preserve the integrity of the account, the
570 commissioner, in the commissioner's sole discretion, may order
571 payment out of said account of an amount less than the actual loss or

572 damages incurred by the individual or less than the order of restitution
573 awarded by the commissioner or the Superior Court. In no event shall
574 any payment out of said account be in excess of five thousand dollars
575 for any single claim by an individual.

576 (l) If the money deposited in the guaranty account is insufficient to
577 satisfy any duly authorized claim or portion thereof, the commissioner
578 shall, when sufficient money has been deposited in the account, satisfy
579 such unpaid claims or portions thereof, in the order that such claims or
580 portions thereof were originally determined.

581 (m) When the commissioner has caused any sum to be paid from
582 the guaranty account to an individual, the commissioner shall be
583 subrogated to all of the rights of the individual up to the amount paid
584 plus reasonable interest, and prior to receipt of any payment from the
585 guaranty account, the individual shall assign all of this right, title and
586 interest in the claim up to such amount to the commissioner, and any
587 amount and interest recovered by the commissioner on the claim shall
588 be deposited in the guaranty account.

589 (n) If the commissioner orders the payment of any amount as a
590 result of a claim against any party, the commissioner shall determine if
591 the person or entity is possessed of assets liable to be sold or applied in
592 satisfaction of the claim on the account. If the commissioner discovers
593 any such assets, the Attorney General shall take any action necessary
594 for the reimbursement of the account.

595 (o) If the commissioner orders the payment of an amount as a result
596 of a claim against any party, the commissioner may enter into an
597 agreement with the party whereby the party agrees to repay the
598 account in full in the form of periodic payments over a set period of
599 time.

600 Sec. 18. (NEW) (*Effective from passage*) Any person filing with the
601 commissioner any notice, statement or other document required under
602 the provisions of sections 12 to 20, inclusive, of this act which is false or

603 untrue or contains any material misstatement of fact shall be fined not
604 less than two hundred dollars. All fines received pursuant to this
605 section shall be deposited in the privacy protection guaranty and
606 enforcement account.

607 Sec. 19. (NEW) (*Effective from passage*) Any person aggrieved by any
608 decision, order or regulation of the commissioner pursuant to sections
609 12 to 20, inclusive, of this act may appeal in accordance with the
610 provisions of the Uniform Administrative Procedure Act and chapter
611 54 of the general statutes.

612 Sec. 20. (NEW) (*Effective from passage*) The Commissioner of
613 Consumer Protection may adopt regulations, in accordance with the
614 provisions of chapter 54 of the general statutes, to carry out the
615 provisions of sections 12 to 19, inclusive, of this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2008</i>	53a-129a
Sec. 2	<i>October 1, 2008</i>	53a-130
Sec. 3	<i>October 1, 2008</i>	New section
Sec. 4	<i>October 1, 2008</i>	New section
Sec. 5	<i>October 1, 2008</i>	52-571h
Sec. 6	<i>October 1, 2008</i>	54-93a
Sec. 7	<i>October 1, 2008</i>	54-1d(e)
Sec. 8	<i>October 1, 2008</i>	New section
Sec. 9	<i>October 1, 2008</i>	New section
Sec. 10	<i>October 1, 2008</i>	54-36h
Sec. 11	<i>from passage</i>	36a-40
Sec. 12	<i>from passage</i>	New section
Sec. 13	<i>from passage</i>	New section
Sec. 14	<i>from passage</i>	New section
Sec. 15	<i>from passage</i>	New section
Sec. 16	<i>from passage</i>	New section
Sec. 17	<i>from passage</i>	New section
Sec. 18	<i>from passage</i>	New section
Sec. 19	<i>from passage</i>	New section

Sec. 20	<i>from passage</i>	New section
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Statement of Purpose:

To implement the Governor's budget recommendations.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]